



WEB COPY



WP.No.11709 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **30.04.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.11709 of 2024

K.Akilan

.. Petitioner

Versus

The Sub Registrar,
Aragandanallur.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for records on the file of respondent in proceedings RFL/Aragandanallur/103/2023 and dated 22.08.2023 and quash the same as illegal, incompetent and without jurisdiction and further direct the respondent to register the Decree in E.P.173 of 2004 in O.S.No.319 of 1971.

For Petitioner : Ms.R.Poornima

For Respondent : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.



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2. This writ petition is filed to quash the refusal slip RFL/Aragandanallur/103/2023 dated 22.08.2023 as illegal, incompetent and without jurisdiction and further direct the respondent to register the Decree in E.P.173 of 2004 in O.S.No.319 of 1971.

3. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondent and perused the materials available on record.

4. It is the case of the petitioner that when he presented the decree obtained in Execution proceedings for registration, the same was refused to be registered by the respondent. The refusal slip has been issued mainly on the ground that since various documents have been registered, decree cannot be registered. Hence, the present Writ Petition.

5. When the law permits the decree of the courts to be registered, the registering authorities cannot refuse to register the decree of the Court on frivolous grounds. Now the time limit is also not applicable for registration of the decree as held by this Court in various judgments. It has become routine affair of the respondent to some how or other to issue check slip refusing to



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register a document. When the Orders of the Court determining the rights of the parties sought to be registered, the registering authorities cannot sit over as appellate Court and refuse to register such document and the same cannot be permitted in the eye of law. Hence, the refusal slip of the respondent has to be quashed.

6. Accordingly, this Writ Petition is allowed and impugned refusal slip dated 22.08.2023 of the respondent is quashed. The respondent is directed to register the decree in E.P.No.173 of 20024 dated 22.03.2015 presented by the petitioner within a period of fifteen days from the date of receipt of a copy of this order. No costs.

30.04.2024

vrc

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

To,

The Sub Registrar,
Aragandanallur.



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N. SATHISH KUMAR, J.

vrc

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